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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SECOND LEGISLATURE

EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 23, 2014

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Lakey, absent and formally excused by the Chair; and Senators Bayer, and Fulcher, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Allison McCarthy, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 22, 2014, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJM 103

BY RESOURCES AND ENVIRONMENT COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the economic expansion that is stimulated by the new and increased demand for our seafood products vastly influences our United States economic base; and

WHEREAS, the United States seafood industry is fruitfully productive and a key employer in the marketplace; and

WHEREAS, the continuing market effort is the dynamic behind industry improvement, investment, prosperity and job creation; and

WHEREAS, Idaho is key to the salmon industry in the United States as we are the spawning beds for millions of salmon each year that migrate to the Pacific Ocean; and

WHEREAS, Idaho's rivers constitute the pathway that returning salmon use to complete their life cycles from smolt to spawning salmon; and

WHEREAS, the Idaho Department of Fish and Game and Idaho Power have participated in ensuring a healthy pathway for fish to travel to and return from the Pacific Ocean.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully recommend that the Idaho delegation in Congress work together with representatives of other seafood and fish-producing states to acquire sufficient funding for effectual and maintained domestic marketing of American seafood.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[SJM 103](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

Senator Bayer was recorded present at this order of business.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 23, 2014

The JUDICIARY AND RULES Committee reports that [S 1227](#), [S 1228](#), [S 1229](#), [S 1230](#), [S 1231](#), [S 1232](#), [S 1233](#), [S 1234](#), [S 1235](#), [S 1236](#), [S 1237](#), and [S 1238](#) have been correctly printed.

LODGE, Chairman

[S 1227](#) was referred to the Transportation Committee.

[S 1228](#), [S 1229](#), [S 1230](#), [S 1231](#), [S 1232](#), and [S 1233](#) were referred to the Education Committee.

[S 1234](#), [S 1235](#), [S 1236](#), [S 1237](#), and [S 1238](#) were referred to the Local Government and Taxation Committee.

January 22, 2014

The FINANCE Committee reports out [S 1216](#), [S 1217](#), and [S 1218](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1216](#), [S 1217](#), and [S 1218](#) were filed for second reading.

Senator Fulcher was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 22, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

January 22, 2014

I have the honor to inform you that Chris Charles Beck of Hayden Lake, Idaho, was appointed as a member of the Oil and Gas Commission to serve a term commencing July 10, 2013, and expiring July 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 22, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sidney "Sid" R. Cellan of Soda Springs, Idaho, was appointed as a member of the Oil and Gas Commission to serve a term commencing July 10, 2013, and expiring July 1, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 22, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Margaret "Marg" Gail Chipman of Weiser, Idaho, was appointed as a member of the Oil and Gas Commission to serve a term commencing July 10, 2013, and expiring July 1, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that James S. Classen of Boise, Idaho, was appointed as a member of the Oil and Gas Commission to serve a term commencing July 10, 2013, and expiring July 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 22, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that S. Kennard Smith of Boise, Idaho, was appointed as a member of the Oil and Gas Commission to serve a term commencing July 10, 2013, and expiring July 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 22, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Charles H. Correll of Jerome, Idaho, was reappointed as a member of the Park and Recreation Board to serve a term commencing June 30, 2013, and expiring June 30, 2019.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1239

**BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE**

AN ACT

RELATING TO DUTIES OF PUBLIC ADMINISTRATORS;
AMENDING SECTION 14-105, IDAHO CODE, TO REVISE
DUTIES OF THE PUBLIC ADMINISTRATOR REGARDING
THE ASSETS OF ESTATES TAKEN INTO HIS POSSESSION.

S 1240

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO DNA DATABASE ACT OF
1996; AMENDING SECTION 19-5506, IDAHO CODE, TO
PROVIDE THAT ABSENT A WARRANT AUTHORIZING
DNA COLLECTION BASED UPON PROBABLE CAUSE,
NO PERSON SHALL BE REQUIRED TO PROVIDE A DNA
SAMPLE UNLESS THE PERSON HAS BEEN CONVICTED
OF, OR PLEADS GUILTY TO, ANY FELONY CRIME OR
THE ATTEMPT TO COMMIT ANY FELONY CRIME.

S 1241

**BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE**

AN ACT

RELATING TO TRESPASS; AMENDING SECTION
18-7008, IDAHO CODE, TO REVISE TRESPASS
POSTING PROVISIONS AND TO MAKE A TECHNICAL
CORRECTION; AMENDING SECTION 18-7011, IDAHO
CODE, TO REVISE TRESPASS POSTING PROVISIONS;
AND AMENDING SECTION 36-1603, IDAHO CODE, TO
REVISE TRESPASS POSTING PROVISIONS.

[S 1239](#), [S 1240](#), and [S 1241](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1213](#), by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

Senator Lakey was recorded present at this order of business.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1201](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Buckner-Webb, Cameron, Davis, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1201](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 11:30 a.m., Friday, January 24, 2014.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary